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File No. O. Weights and Measures 3/44
Legal Department
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Subject:— Opinions under the Bombay Weights and Measures Act, 1932.

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C O N T E N T S.

Legal Department File No.O.Weights & Measures/44.

Sr. No.	Compilation No.	Subject.	pages.
1	OE.3844 19-5-44	B'bay Weights & Measures Act, 1932.-Sec. 46A- Amount of error to be tolerated in selling articles.	1.

9.7:

917

Office of the R.L.A.

The view taken by the Magistrate is correct. It is true that under section 46A of the Bombay Weights and Measures Act, 1932, Government may prescribe the amount of error to be tolerated in selling articles by weight or measures generally or as regards any trade or class of trades. But then the wording of section 35 is express and unambiguous. It provides that whoever in selling any article by weight or measure delivers or causes to be delivered to the purchaser a weight or measure lessthan what is purported to be sold shall, if the weight or measure exceeds the amount of error prescribed under section 46A, on conviction be punishable with fine which may extend to three hundred rupees. It is therefore clear that in cases where the amount of error to be tolerated is not prescribed under section 46A there can be no successful prosecution under section 35. If it is not feasible to prescribe the amount of error for all articles, an amendment of section 35 would appear necessary.

Id/- P.H.H. 18/8/44.

Remembrancer of Legal Affairs.

U.R.to G.D.,No.5044, dated the 19th August 1944.

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9,7.